

L. F. HORN,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., doing bus-
iness under the firm name and
style of BELL TRANSFER COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW - NO. 884

The parties consenting hereto, it is ordered,
adjudged and decreed that the above-entitled cause be, and
the same is hereby, dismissed, the parties having compromised
and settled the same; and that the plaintiff do have and re-
cover of and from the defendants all costs in his behalf ex-
pended, for all of which let execution issue.

ORDERED AND ADJUDGED, this 16th day of ~~October~~ ^{November},

1944.

F. W. Hare
JUDGE

WE CONSENT TO THE ABOVE:

Biche & Hall
By W. C. Biche
ATTORNEYS FOR THE PLAINTIFF

Johnston, McCall & Johnston
ATTORNEYS FOR THE DEFENDANTS

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (LAW)
10-21-44

Term, 194

L F Horn.

No. 884. vs.

J H Bell et al.

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	25	Clerk's Fees	8 10
Issuing Summ. and Complt., each.....	1 25	Ex-Clerk's Fees	
Issuing Alias or Branch Summons & Complaint, each	1.25	Sheriff's Fees	4 50
Making Copies Thereof, Minimum, each	30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words	15	Witness Fees	
Entering Sheriff's Returns, each	20	Commissioner's Fees	
Entering Appearances, each	40	Garnishee's Fees	
Certifying Affidavits, each	25	Publisher's Fees	
Issuing Attachments with Bond, each	1.00	Court Reporter's Fees, Per Day or fraction thereof	3 00
Orders of Publication, each .....	.50	Trial Tax	3 00
Copy of Same, each .....	.50		
Issuing Summ. to Garnishee, each .....	.50		
Copy of Same, Per 100 Words .....	.15		
Swearing Garnishee, Etc., Per 100 words, .15, Minimum	.50		
Release of Garnishee, each .....	.25		
Issuing Scire Facias or Similar Notice, each .....	.75		
Copies of Same, Per 100 Words.....	.15		
Making Copy of Interrogatories, Per 100 Words, .15; Minimum	.50		
Commission to Take Depositions, each .....	.75		
Filing Depositions, Each Pkg., .....	.10		
Endorsing Each Package of Depositions Opened	.10		
Issuing Subpoenas, Each .....	.30		
Issuing Witness Certificates, each.....	.25		
Entering Continuances, each .....	.10		
Filing Papers, each .....	.10		
Other Orders of Court, each .....	.30		
Trial and Incidents .....	.75		
Entering Judgment, each .....	.30		
Complete Record, Per 100 Words	3 70		
Taking Bonds, each .....	.75		
Certificate of Appeal .....	.25		
Transcript to Supreme Court, Per 100 Words .....	.15		
Additional Copies of Same, Per 100 Words .....	.05		
Issuing Executions or Copy Thereof, each .....	.50		
Entering Sheriff's Return, Per 100 Words, .15; Minimum	.20		
Copy order dismissal.	50		
Total Clerk's Fees	8.10		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	3 1.50		
Levying Attachment, each	4 3.00		
Entering and Returning Same, each .....	.25		
Seizing Personal Property Under Writ of Detinue	.3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each .....	.65		
Serving Contempt Attachment, each	1.50		
Impanelling Jury.....	.75		
Collecting Execution for Costs Only, each.....	1.50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5.00		
Making Deed to Real Estate Sold, each,	2.50		
Total Sheriff's Fees	4 50		
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees	
		Sheriff's Fees	
		Justice of Peace Fees	
		Constable's Fees	
		Fees and Costs in Inferior Court	15 60
		Total Fees and Costs	
		Judgment	
		10 Per Cent Damages	
		Interest	
		Total Judgment	
		Total Fees, Costs and Judgment	
		Cost to 10-21-44	
		Total	

L. F. HORN,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Es-
tate of J. H. Bell, Sr., Do-
ing Business Under the Firm
Name and Style of BELL TRANS-
FER COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 884

Come the defendants, J. H. Bell, Jr. and Lillie Bell,
and separately demur to Counts Two, Three and Four of the com-
plaint, separately, upon the following separate and several
grounds, namely:

1. Said count shows no breach of duty which the de-
fendants, their servants or agents owed to the plaintiff.

2. Because the parking or stopping of the defendants'
said truck upon the highway was a mere condition existing at the
time and was in nowise the proximate cause of the alleged dam-
ages to plaintiff's said automobile.

3. Because no facts are averred from which the Court
could infer that the damages to plaintiff's said automobile
were the proximate result of any negligence of the defendants,
their servants or agents.

Johnston McCall
ATTORNEYS FOR SAID DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 884

L. F. HORN, Plaintiff,
VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

DEMURRERS OF J. H. BELL,
JR., and LILLIE BELL
TO COUNTS 2, 3 and 4

Johnston, McCall & Johnston
Lawyers

JOHNSTON, MCCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

L. F. HORN,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Es-
tate of J. H. Bell, Sr., Do-
ing Business Under the Firm
Name and Style of BELL TRANS-
FER COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 884

Comes the defendant, Lillie Bell, as Administratrix of the Estate of J. H. Bell, Sr., one of the defendants in the above-entitled cause, and demurs to each count of the complaint, separately, upon the following separate grounds:

1. Said count fails to show any breach of duty which the defendant owed to the plaintiff.
2. Because it affirmatively appears that the said defendant has no authority under law to engage in business.
3. Because it affirmatively appears that the said defendant could not, as a matter of law, be a member of a firm.
4. Because the facts pleaded affirmatively show that the Estate of J. H. Bell, Sr., could not be held liable for the alleged damages to plaintiff's said automobile.
5. Because the parking or stopping of the defendants' automobile truck on the highway was no more than a condition existing at the time that the automobile of the plaintiff was run into it, and was in nowise the proximate cause of the alleged damages to plaintiff's said automobile.

Johnston McCall & Smith
ATTORNEYS FOR SAID DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 884

L. F. HORN, Plaintiff,
VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * *

DEMURRERS OF LILLIE BELL,
as Administratrix of the
Estate of J. H. Bell, Sr.

Filed Sept 23 1944
Johnston

JOHNSTON, MCCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

L. F. HORN,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Bus-
iness Under the Firm Name & Style
of BELL TRANSFER COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 884

1. Come J. H. Bell, Jr. and Lillie Bell, and for answer to Count One of the complaint say they are not guilty.

2. And for further plea in their behalf to Count One of the complaint, separately and severally, each of said defendants says that plaintiff's servant or agent himself was guilty of negligence which proximately contributed to the damages to his said automobile.

3. And for further plea in their behalf to Count One of the complaint, each of the defendants says that a servant or agent of the plaintiff, while acting within the line and scope of his employment as such, was guilty of negligence which proximately contributed to the damages to plaintiff's said automobile.

Johnston McCall Johnston
ATTORNEYS FOR SAID DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 884

L. F. HORN, Plaintiff,
VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Admin-
istratrix of the Estate
of J. H. Bell, Sr., Do-
ing Business Under the
Firm Name & Style of
BELL TRANSFER COMPANY,
Defendants.

* * * * *

PLEAS

Filed July 23, 1940
R. Johnston

JOHNSTON, MCCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. H. BELL, JR., LILLIE BELL individually and LILLIE BELL as Administratrix of the Estate of J. H. Bell, Sr., doing business under the firm name and style of BELL TRANSFER COMPANY, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, at the place of holding the same, then and there to answer the complaint of L. F. HORN.

Witness my hand this the 23 day of August, 1944.


Clerk.

L.F. HORN, PLAINTIFF.

VS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY AND LILLIE BELL
AS ADMINISTRATRIX OF THE ESTATE
OF J. H. BELL, SR., DOING
BUSINESS UNDER THE FIRM NAME AND
STYLE OF BELL TRANSFER COMPANY,
DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

ONE:

The Plaintiff's claims of the Defendants FIFTEEN HUNDRED DOLLARS for that heretofore on to-wit February 29th, 1944, the Plaintiff's automobile was being operated or driven along the public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant, or employee, who was the and there acting within the line and scope of his employment, negligently and unlawfully operated an automobile truck on said highway at said place, and as a proximate result thereof the automobile of the plaintiff was driven into or against the said truck at said time, about the hour 7:25 P. M., and as a proximate result thereof, the automobile of the Plaintiff was damaged as follows: the lights, radiator, fenders, body, wheels, and running gear were damaged, and said automobile was otherwise damaged and rendered unfit for use; that it was totally demolished.

Plaintiff avers that said damages to his automobile were proximately caused by the negligence of the defendants, acting by or through their agent, servant or employee, who was then and there acting within the line and scope of his employment in so operating said truck along said highway at said time.

TWO:

The Plaintiff claims of the Defendants FIFTEEN HUNDRED DOLLARS

damages for that heretofore on to-wit February 29th, 1944, the Plaintiff, acting by and through his agent, servant or employee, driving his automobile along the public highway commonly known as the Mobile--Montgomery highway at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant, or employee who was then and there acting within the line and scope of his employment, negligently operated an automobile truck on said highway at said time and place that the automobile of the Plaintiff was caused to run into or against the said automobile truck at said time and place, about the hour of 7:25 P. M. and as a proximate result the plaintiff's automobile was damaged as follows: the lights, radiator, fenders, body, wheels, and running gear were damaged, and said automobile was otherwise damaged, and rendered unfit for use, that it was totally demolished.

Plaintiff avers that Plaintiff's damages to his automobile were proximately caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment in so operating said truck along said highway at said place.

THREE:

The Plaintiff claims of the Defendant FIFTEEN HUNDRED DOLLARS as damages for that heretofore on to-wit the 29th day of February, 1944, the automobile of the plaintiff was being driven along the public highway, commonly known as the Mobile--Montgomery highway, at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully parked an automobile truck on said highway at said place, and as a proximate result thereof, the automobile of the said plaintiff, at said time and place, about the hour 7:25 P. M. ran into or against said truck, and as a proximate result thereof the automobile of the Plaintiff was damaged as follows: the lights, radiator, fenders, body, wheels, and running gear were damaged, and said automobile was otherwise damaged and rendered unfit for use; that it was totally demolished, all to the damage of the plaintiff as herein sued for.

Plaintiff avers that the plaintiff's damages were caused by the negligence of the defendants, acting by and through their agent, servant or

employee, who was then and there acting within the line and scope of his employment, in that they negligently and unlawfully parked said automobile truck on said highway at said place, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the automobile of the plaintiff was damaged as aforesaid.

FOUR:

The Plaintiff claims of the Defendants FIFTEEN HUNDRED DOLLARS as damages for that heretofore on to-wit February 29th, 1944, the automobile of the plaintiff was being driven along the public highway commonly known as the Mobile-- Montgomery highway, at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully stopped an automobile truck on said highway at said place, and as a proximate result thereof the automobile of the plaintiff, at said time and place, at about the hour of 7:25 P. M. ran into or against said truck, and as a proximate result thereof, the automobile of the Plaintiff was damaged as follows: the lights, radiator, fenders, body, wheels, and running gear were damaged, and said automobile was otherwise damaged and rendered unfit for use, that it was totally demolished, all to the damage of the Plaintiff as herein sued for.

Plaintiff avers that the Plaintiff's damages were caused by the negligence of the Defendants, acting by and through their agent, servant and employee, who was then and there acting within the line and scope of his employment in that they negligently and unlawfully stopped said automobile truck on said highway at said point at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the automobile of the Plaintiff was damaged as aforesaid.

FIVE:

Plaintiff claims of the Defendants FIFTEEN HUNDRED DOLLARS as damages for that heretofore on to-wit February 29th, 1944, the automobile of the Plaintiff was being driven along the public highway commonly known as the Mobile--Montgomery highway at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and

scope of his employment, negligently and unlawfully parked or left standing an automobile truck on said highway at said point so as to block or obstruct passage along said highway; that as a proximate result thereof the automobile of the Plaintiff at said time, about the hour 7:25 P. M. ran into said truck and as a proximate result thereof was damaged as follows: the lights, radiator, fenders, body, wheels, and running gear were damaged, and said automobile was otherwise damaged and rendered unfit for use; that it was totally demolished.

Plaintiff avers that the plaintiff's damages to his automobile were proximately caused by the negligence of the defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, in parking or leaving standing the said automobile truck so as to block or obstruct passage along said highway at said place, and negligently failed to have and maintain proper signals or other warnings; that said highway was so blocked or obstructed at said point and as a proximate consequence of said negligence the automobile of the Plaintiff was damaged as herein set out.

BEEBE & HALL,

By *J. S. See*
Attorneys for Plaintiff.

PLAINTIFF DEMANDS A TRIAL BY JURY.

BEEBE & HALL

BY *J. S. See*
Attorneys for Plaintiff.

884

Witnessed in office this the 25th day

of May 1944

Attest: *W. H. ...*

By: *W. H. ...*

EXHIBIT
State of *Mississippi*
County of *Jefferson*
This is to certify that a copy of the within and of the same has been filed for record in the office of the Clerk of the Court at the City of *Meridian*, Mississippi, this 25th day of May 1944.
W. H. ...
Clerk of the Court

L. F. HOWE, PLAINTIFF,

VS

J. H. BELL, JR., LILLIE BELL
individually, and LILLIE BELL
as administratrix of the estate
of J. H. Bell, Sr., doing business
under the firm name and style of
BELL TRANSFER COMPANY,
Defendants.

SUMMONS AND COMPLAINT.

Filed for record 25 May 1944
W. H. ...
The Defendants live in
Selma, Alabama.

884